DEMAND II —PUBLIC SERVICE COMMISSIONER— Rs. 20,401.

Dr. G. D. Nokes : Sir, I move for a grant of Rs. 20,401 under Demand II—Public Service Commissioner.

Mr. N. Abdur Rahiman Sahib : Sir, I oppose the demand and in doing so, I wish to point out certain defects in the working of the rules of the Public Service Department. Sir, this morning we heard one honourable member pointing out that it is fashionable to cry for communal representation in these days. Sir, when opportunities are denied to certain communities even to have admissions to schools and colleges and when restrictions are placed even in the race for education and as a result of that, in that race for education and for securing appointments when certain communities have fallen far behind, is it fair to decry this legitimate demand for proper representation in public service? As already said owing to a variety of reasons certain communities could not get admission to schools and colleges. It was only early this year that admission to five or six schools was given to certain communities. Again the Thekkatheruvu Girl's School was thrown open only the other day. When there are restrictions even in regard to schools, is it not reasonable that, with the consciousness of the people being aroused, they begin to assert their rights? There is certainly a feeling in the country that certain communities are overrepresented in public service. One community alone has secured more than 50 per cent. of the appointments. Out of about 25,000 appointments, the Muslims have got only about 500 appointments and the vast majority of these appointments are in the lower ranks. This cry for communal representation in public service has been going on for several decades. Successive Dewans of this State have tried to tackle this problem by issuing circulars and communiques and by calling forth caste war returns of appointments and so forth.

President : Order, order. No doubt every honourable member has ten minutes. But in these and similar matters I take it that a number of members would like to speak. Therefore I think the honourable member would be consulting not only his own convenience but also the convenience of his own colleagues if he will be a little brief. I shall allow him five minutes.

Mr. N. Abdur Rahiman Sahib : The problem has been tackled by various heads of administration. At last a committee was appointed which went into the whole question and submitted a report. The recommendations of the committee were carefully scrutinised by Government and a G. O. was issued and the present Public Service Commissioner was appointed. According to the

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classification adopted by Government the whole service was classified into three groups, the superior service, the intermediate service and the lower division. Sir, in the report of the Public Service Department, Government have made the following observations:—

> "The Public Service Commissioner has heavy work to do in organising his office and evolving a new system of recruitment. And the results achieved during the first year are encouraging."

My position is that this statement is not quite correct. The results of the experiment made during the first year are not sufficiently encouraging. So far as the appointments in the lower division are concerned, I wish to point out certain defects in the actual working of the rule of rotation. I find that a man who has acted for six months is waiting outside while a fresh man, or one who has put in only one month's service, is continuing in service in a long vacancy. How could that anomaly be justified? Before these rules were put into operation there was a well established convention that a man who has acted for a longer period will be continuing in service, and when there is no vacancy in that particular office the man who has acted for a less period or the shortest period as the case may be will have to go out. Even that principle is not being followed now. I am not able to understand how such a state of affairs was brought about. The departmental officers are given powers to fill short vacancies. My submission is that the departmental heads should not be given any power to appoint hands even for one day. It is because such powers are given to them that the rules are being violated and there are complaints. In regard to the filling in of vacancies, what I urge is that the Public Service Commissoner must furnish a list of acting men in the department concerned and those vacancies should be filled up by persons whose names are in the list. The approximate number of short vacancies which will arise in the course of one year could be easily estimated beforehand and the Public Service Commissioner should be asked to give a list of persons who may be appointed to those vacancies. If that is done, these mistakes will not arise.

Sir, If the rules are properly enforeced how will Government account for the only Muslim Malayalam Shorthand reporter being kept out of office now while those who passed with him have been appointed? How do they account for the first Muslim Lady Graduate being kept out of office? In regard to the intermediate division what I would suggest is that the powers for promotion given to the departmental heads should be carefully scrutinised by the Public Service Commissioner. An appeal also should lie to him. Otherwise there will be cases of injustice and irregularity. Moreover

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[Mr. N. Abdur Rahiman Sahib]

monthly returns must be called for from departmental heads in respect of promotions given by them. A vigilance committee consisting of representatives of important communities must be appointed to look into the matter. (*President's bell.*) While closing I would point out one more thing. In Mysore the Miller Committee recommended that in order to level up inequalities of representation, preference must be given to backward communities in all appointments for seven years. That rule could very well be followed here.

Mr. C. N. Tuppan Nambutiripad (*Jenmies*) : സർ, വർഗ്ഗീയപ്രാതിനിദ്ധ്യത്തെപ്പറ്റി രണ്ടുവാക്കു സംസാരിക്കുവാൻ ഞാനും നിർബന്ധിതനായിരിക്കുന്നു. അളവീതം കണക്കാക്കി ഉദ്യോഗം കൊടുക്കുക എന്നുള്ള അഭിപ്രായത്തോടുകൂടി യോജിക്കുവാൻ നിവൃത്തിയില്ല. ഇന്നത്തെ വർഗ്ഗീയപ്രാതിനിദ്ധ്യവാദം അനുസരിച്ചു നമ്പൂതിരിസമുദായത്തിലേക്കു യാതൊരുദ്യോഗവും ലഭിക്കുകയില്ലെന്നു നിസ്സംശയം പറയാവുന്നതാണ്. ഉദ്യോഗദാനവിഷയത്തിൽ ഗവണ്മെൻറനുവർത്തിച്ചുവരുന്ന നയം അത്ര ശരിയായിട്ടുള്ളതല്ല. ഇന്നു് ഉദ്യോഗം കൊടുക്കാൻ ഒരാളും അങ്ങിനെ ഉദ്യോഗം കിട്ടിയ ആളിനെ നയിക്കാൻ മറെറാരാളും. ഈ നിലയ്ക്കു കാര്യക്ഷമതയോടും നീതിന്യായത്തോടും കൂടി ഭരണം നടത്താൻ സാധിക്കുമെന്നു് എനിക്കു തോന്നുന്നില്ല. അതിനാൽ ഉദ്യോഗം നൽകാനുള്ള അധികാരം എപ്പോഴും ഗവണ്മെൻറിൽതന്നെയിരിക്കണമെന്നാണു് എൻെറ അഭിപ്രായം.

രണ്ടാമതായി എനിക്കു പറയുവാനുള്ളതു് ശരിയായ യോഗ്യത നോക്കിവേണം ഉദ്യോഗം കൊടുക്കാൻ എന്നുള്ളതാണു്. യോഗ്യത നോക്കാതെ ഉദ്യോഗം കൊടുത്താൽ ജനങ്ങൾക്കു വളരെ സങ്കടത്തിനിടയാകും. സമുദായങ്ങളിലെ ജനസംഖ്യ കണക്കാക്കി ഉദ്യോഗം കൊടുക്കുമ്പോൾ നല്ല കാര്യശേഷിയും മനസ്സംസ്കാരവും, വിദ്യാഭ്യാസവും സിദ്ധിച്ച ആളുകൾ എല്ലായ്പോഴും ഉണ്ടായി എന്നു വരുകയില്ല. അങ്ങിനെ സമുദായപ്രാതിനിദ്ധ്യതത്വത്തിന്മേൽ യോഗ്യതയില്ലാത്ത ഒരാളിനെ ഉദ്യോഗത്തിൽ നിയമിക്കുന്നതുകൊണ്ടു് ഉള്ള ദോഷം സാധുജനങ്ങൾക്കാണു്; വിശേഷിച്ചു ന്യൂനപക്ഷസമുദായങ്ങൾക്കാണു്. സമുദായപ്രാതിനിദ്ധ്യം വേണമെന്നു വാദിച്ചു് ആ തത്വം സ്വീകരിച്ചുകഴിഞ്ഞാൽ ന്യൂനപക്ഷസമുദായക്കാർക്കു യാതൊരു രക്ഷയും കിട്ടാൻ മാർഗ്ഗമില്ല. അവരുടെ രക്ഷയ്ക്കു എന്താണു ചെയ്യേണ്ടതു്? നിശ്ചയമായും ഉദ്യോഗം

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എന്നൊരധികാരം അവരുടെ കൈയിലിരുന്നാൽ മതി; ആത്മരക്ഷയ്ക്കു പോലും അതു് അവക്ക് ഉപകാരമായിത്തീരും. അതിനാൽ യോഗ്യത നോക്കാതെ ഉദ്യോഗം കൊടുക്കണമെന്നു വരുകയാണെങ്കിൽ അതു ന്യൂന പക്ഷസമുദായക്കാക്കു മാത്രമേ കൊടുക്കാവൂ. എന്നാൽ യോഗ്യതകൂടി നോക്കി വേണം ഉദ്യോഗം കൊടുക്കാൻ എന്നാണു ഗവണ്മെൻറ് തീരുമാനിക്കുന്നതെങ്കിൽ എനിക്കു പറയുവാനുള്ളതു യോഗ്യതയെ അടിസ്ഥാനപ്പെടുത്തിമാത്രമേ ഉദ്യോഗം കൊടുക്കാവൂ എന്നാണു്.

ആളൊവീതം ഉദ്യോഗം നൽകണമെന്നു വരുമ്പോൾ നമ്പൂതിരിസമുദായത്തിനു് ഒന്നുംതന്നെ കിട്ടുകയില്ല. ലാൻറ് റവന്യൂകമ്മീഷണർ, എക്സൈസ് കമ്മീഷണർ മുതലായ ഉദ്യോഗങ്ങൾ ഓരോന്നാവീതമേയുള്ളൂ. ഇതിൽ നംപൂതിരിമാക്ക് എത്രമാത്രം കമ്മീഷണർഉദ്യോഗം കിട്ടുവാൻ സാധിക്കുമെന്നുള്ളതു സാമ്പ്രം ആലോചിച്ചാൽ മനസ്സിലാകും. അതുകൊണ്ടു് ആളൊവീതം ഭാഗിച്ചാൽ യതൊരു സ്ഥാനവും ലഭിക്കാനിടയില്ലാത്ത ന്യൂന പക്ഷസമുദായങ്ങളുടെ രക്ഷയെ ഭ്രൂരിപക്ഷസമുദായങ്ങൾ നോക്കിക്കൊള്ളുമെന്നൊരു നിലയുണ്ടായിരുന്നാൽ സമാധാനപ്പെടാമായിരുന്നു. ഭ്രൂരിപക്ഷസമുദായങ്ങളിൽനിന്നും യാതൊരു സഹായവും ന്യൂനപക്ഷസമുദായങ്ങൾക്കു ലഭിക്കുമെന്നു് ഞാൻ വിചാരിക്കുന്നില്ല. ആളോഹരിഉദ്യോഗം കൊടുക്കണമെന്നും, തായ്വഴിനോക്കി ഉദ്യോഗം കൊടുക്കണമെന്നും ഇവിടെ പല അഭിപ്രായങ്ങളും പറഞ്ഞുകേട്ടു. എന്നാൽ ഞാൻ പറയുന്നതു് അതൊന്നും വേണ്ട യോഗ്യതമാത്രം നോക്കി ഉദ്യോഗം കൊടുക്കണമെന്നാണു്. ഇതുയും അഭിപ്രായം ഈ സഭയുടെ മുൻപാകെ സമർപ്പിച്ചുകൊണ്ടു് വിരമിച്ചുകൊള്ളുന്നു.

Mr. G. Narayana Aiyar : Sir, it has to be said that in view of the finances of the State, the salaries of officers are a little too high. It is because of that that everyone thinks that if he goes to Government service he can get a decent salary.

If the posts are made in such a manner that only those who are really competent, who could afford to work for the country, who could usefully serve the country, could enter, then much of this problem could be satisfactorily solved. The motto of the Government servants should be service to the country. It should have no relation whatsoever to the pay or to the prestige of the country. If such an attitude is taken I am sure much of the clamour regarding communal representation could be avoided.

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[Mr. G. Narayana Aiyar.]

The sources of revenue have become at a stand still, but the administration is top heavy. Every day the expenses are increasing. It is high time to revise the scale of pay in proportion to the expenditure. It is also seen that similar steps are under contemplation in sister Provinces. I wish our Government will follow the same principle *viz.*, that the Government posts are not made as attractive as they are now.

Mr. K. R. Elenkath: Sir, I wish to make a few observations with regard to the proportionate representation in Government service and the much misunderstood clamour for efficiency that has been referred to by Mr. Ismail. It may not be misunderstood that some communities advocate efficiency as a test for appointments because they think that efficiency is their sole monopoly. They do not say that only certain communities have real efficiency and others lack it in general. Far from it.

Mr. T. Mahomed Ismail: May I know from the member, which community advocates efficiency and which does not?

Mr. K. R. Elenkath: That is my point also. The communities who advocate representation on the basis of population give only a secondary place to efficiency in the matter of communal representation. There are very efficient men from among the unrepresented communities who have not got representation. Supposing there is a Muslim who is the best qualified and the most efficient for the appointment but on the basis of population has a chance of being entertained in the service only on a lesser proportion than say the Nair. The Syrian Christian or the Ezhava who may have candidates with minimum qualification and whose community may be less represented on the basis of its population. The claims of the most efficient candidate will have to be over-looked in view of the fact that there are more efficient men from some other un-represented communities, unrepresented on the basis of their larger population. Therefore, a Muslim even though he may be the most efficient of the candidates has a sure chance of losing the opportunity for entry in service at a very favourable occasion. The claims of an efficient candidate belonging to any other backward community having less population will have to be over-looked when the chances for appointments arise and have the most efficient candidates in those backward communities. I ask whether some communities should suffer because of the fact that they belong to communities which are low in point of population and the best men among them asked to stay away on account of the fact that he was destined to belong to such a community. The question of efficiency will govern the claims of all communities. When there are many qualified men

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from all the communities there is very chance of the unrepresented communities getting chance of representation in the Public service in larger proportion if there are very efficient men among them. This question has therefore to be viewed in that light.

As regards promotions I was surprised to hear from my friend Mr. Abdur Rahiman Sahib that the Public Service Commissioner should be an appellate authority. Imagine a subordinate officer working under a particular departmental head, who is expected to know and judge his merit or efficiency, and, when promotions come the Public Service Commissioner made the final authority in deciding cases of promotions. It is the declared policy of the Government to give promotions on the basis of merits and seniority. How can the Public Service Commissioner, who has nothing to do with departmental administrations, choose the best from a particular department in deciding cases for promotions.

Mr. N. Abdur Rahiman Sahib: I wish to offer a word of personal explanation. I only said that the promotions made by the departmental heads must be scrutinised by the Public Service Commissioner. There must also be a right of appeal to him in cases of hardship.

Mr. K. R. Elenkath : My point is that he is not competent to scrutinise the promotions effected by the departmental heads. He is not expected to know nor competent to judge the merits of particular subordinates who are working in departmental offices for he is not in touch with every department and every office. Therefore he should have neither the authority to scrutinise the promotions nor the right of appeal. Power of recommending for or giving promotions should entirely rest with the heads of departments. Some honourable members said that the Government must have the ultimate power of making appointments. I think even now that power rests with Government. The Public Service Commissioner makes recommendations to Government according to certain rules. Therefore, there will be nothing to complain if the recommendations are made properly and they are carried out by Government, after due consideration.

Speaking about communal representation by some honourable members, I do not know why mention is made of one particular community alone holding monopoly. There are departments where certain communities other than the one whom they have in mind, are over whelmingly represented. I do not want to mention the name of such communities. I do not hold the view that a community may be said to be over represented by calculating on the mere basis of number without consideration to the grades of services and is the income derived. The 50 per cent referred to by an honourable

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[Mr. K. R. Elenkath.]

member includes the appointment of peons, police constables and sepoys in the military and cavalry. Communities engaged in merchandise and other remunerative occupations did not care for some of these jobs and nairs came into fill the places. In former times the pay in these lower services was much smaller 6 fanams and 7 fanams constituted the pay of even the Proverthicar or Adhikari which was considered as very honourable for he was considered the biggest man within the unit of his authority. It was only very recently their pay was raised. It stands to no reason to fix percentage to communities without any consideration to the percentage of state funds they receive by way of salaries. If a community which has but 20% of representation on population basis consumes more than 50 per cent of the total salaries can it be said that, that community less represented than a community having 40 or even 50 per cent. representation.

While appreciating the judgment of the Government in appointing a very competent officer, who, in a very short time has proved to be one of the best officers in the State, the Government should take into consideration the foul play that is being committed by his subordinates. Among the European community, we generally find a very laudable quality though not always a safe one. I should think that, they love and put implicit faith on the people who sing to their tunes and who are nearest to them. When they once take a particular man into their confidence, they implicitly believe him and act according to his directions. We had such European officers formerly also. There was a Chief Justice here for getting favours from whom many graduates and under-graduates used to approach his butler, because he was in the confidence of the Chief Justice and was known to yield very great influence with that Chief Justice.

Mr. R. V. Thomas : Does the honourable member advice the other officers also to do the same thing ?

Mr. K. R. Elenkath: Far from it. That is not my point. My case is that the commissioner should not lay such implicit faith on his subordinates show indifference in minutely scrutinising their work. I myself have received complaints where the claims of persons within the same communities have been over-looked on account of questionable actions of the subordinates of the commissioner. In the appointment of subordinates in that C's office, Government will see that the previous official history of these persons, are carefully looked into. They must be entertained only if they are men of unquestionable character. My point

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in saying this is that the Public Service Commissioner should very carefully scrutinise before making the appointments sending recommendations to the Government.

Mr. Kochikal P. Balakrishnan Tampi : Sir, I also oppose the motion. I sympathise with Dr. Nokes who has been given the work of reconciling the irreconcilables. It is as difficult to make logically workable rules regarding the recruitment, as is to make a text book, say, on Arithmetic with a 'Nair bias,' or a Chemistry book with a 'Christian bias'. Public Administration is to be guided by principles other than those that are sought to be urged now by some honourable members of this House. I do not think that the Government did so out of malice to the High Court, by depriving it of the services of a Judge. My proposal is that that place may be abolished. It is an ill-wind that blows nobody good. When honourable member after member says that all is wrong with the Service Commissioner, the most proper thing is to abolish the post. It is said that no justice is done to certain communities which are said to be unrepresented in the public service. I am one of those who think that no community has a right to be represented as a community in the public service. The public service has to be manned by people, who are declared competent because of efficiency as well as character, and not by ethnological considerations. I can, with equanimity, see the whole public service manned by members of any one particular community. I can absolutely without any qualms of conscience say that, that no community as such, has a claim to an office under Government. I want to assure also that, representing as I do the largest constituency in the State, outside the Council, there is no trouble, or agitation worth speaking. It is not of any auto-biographical interest, am I not an aspirant to office, because I say this. There are some lawyers who complain ; there are certain newspapers which make a complaint on communal lines. Naturally, those of us who cannot stand on our legs, those who cannot compete with others in the open field, it is quite probable that we may want to come in by some ticket or other. If I am a Lawyer—I am not an aspirant to office purely a hypothetical case—and I want to become a judge, the usual consideration is my professional ability and character. On that ground, if I can have no chance of becoming a Judge, there is the other probability of my claiming that I belong for argument's sake, to a particular sub-section among the Nairs, which, during say the last 37 years, was not represented in the Judicial service. Now, Government made an initial blunder of working in terms of communities and even when the Government benches reply to these things, they themselves are not clear about this. They have laid down a rule, that

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[Mr. Kochikal P. Balakrishnan Tampi :]

communities have a right to be represented. You are less than just to those communities—for want of a proper term I use that expression, whose voice, is not so often heard. In the case of representation of say, Pulayas and other men, you are unjust. In the matter of such recruitment, a serious injustice is caused to them. The first boy who has passed say the School Leaving or Intermediate examination in that community, may have the chance as it is of getting earlier into Government service than the boys of other communities. I am sure that Dr. Nokes may give them all the help he can. But then, if many boys of that community qualify themselves, they may be disappointed. No exaggerated hopes should be given to any people regarding the possibility of their children getting into Government service.

Mr. T. Mahomed Ismail : Whether it is fashionable or not, whether it is foolishness or not I wish to speak about this question once again. I wish that this question may not arise at all. But unfortunately we are driven to it again. About character and efficiency, I said this morning, that I shall be the last man to ask for appointment for any Muslim if he is not competent to hold that post. Efficiency is the only thing I care for. My prayer is that the Muslim also must be given an opportunity to show his efficiency.

Coming to the Public Service Commissioner, I only congratulate him because he has got only half the work to do with regard to appointments. Most of the important appointments are made by the Government and they are filled up by Government.

Coming to my community out of 25,000 appointments only 500 are given to Muslims. It will be interesting to note what all these appointments are. They constitute clerks, peons, mochees and Arabic munshis. We cannot find even a single Muslim getting more than Rs. 300.

Mr. Kochikal P. Balakrishnan Tampi : May I know whether Mr. Habib Muhammad is not a Musalman ?

Mr. T. Mahomed Ismail : He is, and so I think, he is given only Rs. 300.

Sir, to count the number of Muslims who draw between Rs. 100 and 300 the fingers of one hand are too many. I agree with the honourable member Mr. Thuppan Nambooripad that it is not practical to strictly adhere to population basis. We shall be satisfied for the present if the Muslim community is given at least 25 per cent. of what we can legitimately aspire according to the population basis.

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As for the promotion I wish to say a word. The other day, the Financial Secretary said that recruitment is made to public service according to population basis only with regard to initial appointments. I fully agree with him. Our prayer is that our claims should be borne in mind when initial recruitments are made, because initial recruitment is resorted to in all big appointments. As for the subordinate appointments, there are only peons and clerks and the like getting Rs. 10 or 15. What is the use of promoting them? They will at the most get Rs. 50. I fully agree with the Government that it is possible for them to give appointments according to communal basis only for initial recruitment. I pray that our claim may also be considered in that respect.

Mr. N. V. Chacko (*Parur, Kunnatnad and Muvattupuzha cum Devicolam*): This question of communal representation relates to the saddest thought and therefore it should be considered as the sweetest. So many members could not tolerate the ventilatai and vindication of the grievances of the unrepresented communities. That is adding insult to injury. Listening to the arguments of both sides, I find that there is no real difference between those who pray for communal representation and those who seem to oppose it. Of course, those who seem to oppose it say that they are not responsible for their over-representation in the services. Certainly they are not responsible, and nobody makes them responsible for it. If anybody has made them responsible for it, I think it is wrong. But the real fact is that it is a misunderstanding that anybody has made them responsible for it. Nor is there a case that efficiency should not be regarded. But it should not be made an ideology. When a person is appointed to any post it does not mean that he is the most efficient man for the post in the Universe. Among the over-represented communities it is not the most efficient man that is generally selected for appointment. It is not practically possible to point out for any post the most efficient man in any community at any time. What is important is whether the man appointed is sufficiently efficient to carry on the administration. Nobody will say that a man who is not sufficiently efficient should be appointed. Even when appointments were made only from certain communities a Proverthicar is reported to have said "നൊല്ലന്താണ്, വരുക എന്താണ്, ചാമയെന്താണ്, എന്നറിയാൻ പാടില്ലാത്ത എന്നെപ്പിടിച്ചു പ്രവർത്തിയാരാക്കിയാൽ ഞാനെന്തു ചെയ്യും." That is an illustration of an appointment where efficiency was not cared for when there was no question of communal representation. Thus there is always a chance of those who are not the most efficient being selected for appointment from any community. We shall not be understood to mean

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[Mr. N. V. Chacko.]

that we are asking for communal representation without any regard to efficiency. Efficiency is not the monopoly of any particular community. In the words of a Calculus Anther, "what one fool can do, another fool also can do." If you give equal opportunities, say to the Ezhavas they can even excel every other community in Travancore in all respects. I do not now speak of the Syrian Christian community. Without giving all the communities equal opportunities, there is no meaning in saying that they are not efficient. As a matter of fact, how could certain communities prove their efficiency? It is because they had opportunities for the same. If others also get such opportunities then they too will be able to prove their efficiency. We do not find fault with any community for its over representation in the past. We only ask that we too should be given opportunities under the present circumstances to serve the Government as early as possible. Now that should not take us generations together. Nowadays in 10 years the world history is re-written. Even 5 years is too long for giving full effect to communal representation. Take the case of British India. Within the last fifteen years, from 1922 to 1937 what changes have taken place there! I do not refer to European countries now. It must be very easy for the Government to give equal representation to all the communities since the communities who claim communal representation do possess sufficient qualifications to serve the country. We are asked by one honourable member to go back by 30 years. Then why not we go back by 50 or 300 years? If we go back 300 years, perhaps the Muslims will be found to have a better claim, than now, because at that time they were ruling the country.

President: I do not think the Musalmans ruled Travancore.

Mr. N. V. Chacko: I said that only as an illustration. I did not mean it to refer to Travancore. I hope I am not misunderstood. I think those who listen to me are only wiser than I. We should not try to go back by one minute. We should only look forward and take the present conditions into consideration. If other people cannot understand the depth and intensity of the grievances of the unrepresented communities who form the bulk of the most loyal subjects of His Highness the Maharaja, perhaps they may be pardoned. One honourable member said that he represents the biggest constituency. I do not know the area of that constituency. But I can say that I also represent a sufficiently big constituency including Parur, Kunnatnad, Muvattupuzha and Devicolam taluks, and I know that those who elected me are

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keenly for communal representation without, of course, spoiling efficiency. Let it be understood that we have no quarrel with other communities. Our prayers are to Government, and certainly we have complaints against particular officers who do not faithfully follow the orders of Government in the matter of communal representation but try to evade them in all possible ways.

Mr. A. Easwara Pillai (*Kottarakara and Pattanapuram cum Shencottah*): Sir, much has been said about communal representation and I don't wish to deal with it at length. Sir, I venture to submit that every citizen has got a right to share the responsibilities of the State. The State exists for the benefit of all citizens. Though it is the natural right of every citizen to serve for the State, all are not required and all are not competent for the purpose. Hence it is indispensed to select some to do the duties of Government without any regard for caste, creed or community. Only consideration which would weigh is efficiency of the persons selected. The claims of candidates should be considered not on communal basis but on individual basis. Opportunities should be given to all.

Sir, One honourable member has said that a muslim who has passed the Malayalam Short hand was not given an appointment. I know that there are several others in different communities who have passed the same examination. Why the claim of the muslim alone should be considered? Why the fundamental rights of others should be denied?

The claims put forward by backward communities for reserving the offices to them alone for some time is also equally untenable. My submission is that fundamental rights of citizens should be denied and the right of any individual should be denied merely because he belongs to a particular community. There should not be any difference between man and man.

Mr. V. S. Arumukham Pillai: During the last four years I managed to proceed without touching the question of communal representation. Now that several members have advocated the cause of their respective communities, I think I will be failing in my duty if I do not advance the cause of my community also. When the report of the Public Service Recruitment Committee was discussed in this House, I advocated the principle that representation should be given in proportion to the tax or contribution that is given to the coffers of the State. That principle has not been adhered to. As that is not done, if communal representation is going to be accepted, I submit that my community should be given preference over other communities. My friend Mr. Mahomed Ismail was talking about the representation of Mahomedans in Government

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[Mr. V. S. Arumukham Pillai.]

service. He was saying that there was not even a single Mahomedan drawing above Rs. 300. I submit that in my community there is not even a single officer except a Superintendent in the Secretariat drawing Rs. 150 and above Of course some of my honourable friends are labouring under a confusion with regard to the Community to which I belong. I belong to the Nanjanad Vellala community which is entirely a separate community by itself distinct from other communites. Of course my community is not vociferous with regard to its claims in the public service.

Mr. N. Abdur Rahiman Sahib: May I know to which community Mr. C. S. Lekshmanan Pillay belongs?

Mr. V. S. Arumukham Pillai: He does not belong to my community. To differentiate one community from another, the laws governing the communities and their respective customs are to be taken into consideration. The Nanjinad Vellala community and the community to which the gentleman mentioned by the honourable member belongs are entirely different communities. The Nanjanad Vellala community is labouring under serious drawbacks. They are entirely confined to Travancore. They have no relation with the people outside the ghats. Sir, there are 15 law graduates in my own community. Much more than in Mr. Ismail's community. So, my submission is that that in the matter of representation in the public service my community has a better claim because we pay a larger amount of tax in proportion to our population and we are at the same time very law abiding and loyal to His Highness the Maharaja. This can be testified by many historical facts. With these words I resume my seat.

Dr. G. D. Nokes: Sir, the primary interest of Government in recruiting the Public Service is that they should have the best men available for the Service. I avoid the use of the phrase "most efficient" deliberately, as it appears to rouse unnecessary passions. When the principle of rotation is applied to the matter of recruitment from different communities you do not necessarily obtain, in all circumstances, the best man, because some communities are admittedly backward. Government have realised this difficulty, and as a compromise have conceded to the backward and under-represented communities (who are in many, but not all, cases identical) certain valuable privileges. The attitude of Government, as has been pointed out by me in another place, has been consistently favourable to the under-represented and backward communities. I do not wish to recapitulate what has already been declared as their policy by Government or the evidence for it in the Public Service

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Recruitment Rules, but I would like briefly to remind the honourable members of this House of the existing privileges granted to the under-represented communities under the Public Service Recruitment Rules as they are being worked now.

In the Intermediate Division special provision is made with regard to the age of the members of backward communities when they enter the Public Service. Special preferences and additional marks on account of backwardness are given to them in the Selective Tests. Forty per cent of the total vacancies are reserved for the appointment of the under-represented communities.

In the Lower Division there is the principle of rotation which gives advantages to the hitherto under-represented communities both by rank and in the number of places. The first community in the rotation is a backward community and the last is one which has been described as over-represented. The number of places in the rotation will be found to be advantageous to the under-represented communities, by comparison with those for the other communities.

Now, Sir, in view of the fact that these Rules have been operating for less than a year, I am beginning to wonder how far any agitation against the policy of Government in the matter of recruitment can be justified.

It is said by one honourable member that the rules do not really operate at all, and all important appointments are made by Government. Sir, to this I can only say that the honourable member suffers from an erroneous impression. It is not true that no perceptible change has occurred in the personnel of the Government Service. But it must be remembered that the number of recruitments made in the Higher Division is very small. The vast majority of recruitments are in the Intermediate and Lower Divisions and are made by the various appointing authorities, whom it is my duty to advise. I may repeat what I have said elsewhere for the information of the House, that in the course of the last 10 or 11 months I have advised about 2000 recruitments according to the rules, and that Government have not "interferred" in any one of these recruitments. They reserve power to make exceptions to the Rules and have done so in some cases, but so far as I am aware in very few. Hence I should like to ask the honourable members, who are under the impression that Government are "interfering" with my duties as Public Service Commissioner, to eradicate this erroneous impression from their minds and treat the subject from this point of view. Here is a new system which has begun to operate only for a short period on definite rules framed with the intention of being fair to all communities. There may be exceptions to the

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[Dr. G. D. Nokes].

general rule, but only when adequate reasons exist. Now, Sir, that being the position, can the honourable members opposite say that the rules are not operative? The only answer to that question is 'No.'

When the Government issued their Public Service Recruitment order about two years ago, they said that this new system should be put into force as a tentative measure for three years. Those three years have not passed. Within that period it is impossible for any one to judge the results of the working of the system or to say truly that the rules are not working properly or are being worked to the detriment of the under-represented communities. In view of the sympathetic attitude shown towards these under- represented communities, and in view of the fact that for only a short time have the rules been operated, I appeal to the members of all communities to give this experimental measure sufficient time in which to operate, so that we can get the desired result from the new scheme.

If in fact any minor modifications of the rules are required, that may be made. Some such minor modifications have been already made at my suggestion, because I realised that certain difficulties in practice could be overcome by suitable alterations. If any honourable member has any valid reason for suggesting that the rules should be amended he should inform me, and I shall bestow careful consideration on it. So much as preface.

Now let me turn to the specific criticisms which have been made against the operation of the rules by the honourable member opposite to me, who said that the first year's working of the rules was discouraging to the under-represented communities, but encouraging to Government He quotes the last words from the order on the Administration Report of my department for the year 1111. Yet the rules came into full force only from the 1st of Kanni 1112. In those circumstances, I do not understand how he bases his criticism on a report for the year 1111.

Then there is a great deal of misunderstanding among many members opposite about seniority. It is said that junior men who have been continuing in service from June 1935 are preferred to their seniors. Yet it has been clearly specified in the Rules, Sir, that persons with long acting service will be preferred to all others irrespective of community, and during the present year I have, in accordance with Part VI of the Rules, been substituting long service candidates for their juniors appointed in the transitional period. Again the first community to get the benefit of the rotation is

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"Other Hindu and Miscellaneous". The candidate from that community who is recruited may never have been in service. But immediately such a candidate is recruited a cry goes up on all sides that juniors without acting service are being appointed while their seniors are ignored. Yet, if you want the principle of the rotation to be applied you must take the consequences of the rotation. Therefore this complaint is groundless. But I add that the question of seniority is one of very considerable difficulty, though it does not primarily concern me. I am concerned with the recruitment of candidates, and not with what happens to them when they get into the Service.

On the question of filling up short vacancies, Government have passed orders permitting recruitments for one month without reference to my office. The appointing authorities are made solely responsible. I found that the whole system might break down if such arrangements were not made. So I recommended to Government, and they accepted my recommendation, that for the short period of one month a vacancy could be filled by the appointing authority. But the candidate appointed cannot be continued after a month. If he is so continued there is a very simple remedy. The Account Office will object to his pay and refuse to pass his pay bill for the excess period. That is a very effective check on that rule. I have had occasional letters from inferior or subordinate appointing authorities, who have misunderstood the Rule, saying that men who had been put in short vacancies and were continued after one month could not get their pay. To those letters I replied, "Quite right. Your powers of appointment are for one month, not five weeks." The limits of the rule are now well understood, and there is no justification for the suggestion that it is being abused.

President: The honourable member has two minutes more.

Dr. G. D. Nokes: The suggestion, Sir, made by the honourable member, that such recruitments should be made from approved lists of candidates has been anticipated. The Government order contains provision for that, and the order will be put into force when Lower Division registration is more complete.

With regard to promotion, Sir, the Rules are not concerned with promotion, and, so far as the Public Service Commissioner is concerned, I hope he will not be made responsible, in addition to his present duties, for hearing appeals from every person in the service who is disappointed at some one else's promotion.

As to the suggestion, made by one of the honourable members, that a committee of Commissioners would be better than a single

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[Dr. G. D. Nokes].

individual, I have to remark that this proposal has been made on many occasions. But I have time now only to state that if you have a committee or a board representing various communities, I am afraid that you will only be adding fuel to the fire of communal rivalries which the appointment of a single Commissioner was designed to quell.

President: Order, Order.

Mr. M. Govindan: May I know whether there is any objection to the publication of the operation of the rules periodically in the Government Gazette so as to inspire confidence among the public?

Dr. G. D. Nokes: The Administration Report is published every year, and I do not think it is necessary to burden my small staff with the publication of periodical reports at intervals of less than a year. If any member of the House requires information, he has only to write to me.

Sir, in justice to my subordinates, I must mention the suggestion or innuendo that my office is being run by junior clerks or menials-that advice on recruitment is really given by my butler! I have noticed this type of statement about other European officers in various newspapers, which I have read with contempt. I take this opportunity of repudiating, on behalf of each European officer in the State, the suggestion that he is unduly influenced by his subordinates. Such statements should not be given encouragement on the floor of this House, for they can only be described as nonsensical drivel.

Mr. K. R. Elenkath: May I know whether the Commissioner has received any complaints from applicants that their claims have been overlooked?

Dr. G. D. Nokes: If I advise one recruitment, there will be forty disappointed persons, most of whom will complain that their claims have been overlooked, when they have really been carefully considered.

In view of the shortage of time and having dealt with the specific points raised with regard to the Rules, I would like again simply to repeat my plea that members who feel that their communities are not dealt with as they wish should realise that the Rules are there for the amelioration of their position, and that, in due course, they will obtain that amelioration.

Mr. Kochikal P. Balakrishnan Tampi: Will the honourable member withdraw the expression 'nonsensical drivel?'

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President: I do not think he referred to any honourable member of this House. Is that not so, Dr. Nokes?

Dr. G. D. Nokes: I did not refer to any member. If I had done so, I should have used appropriate words.

Mr. K. R. Elenkath: Is that Parliamentary language Sir?

President: I shall consider that.

I am sure Dr. Nokes did not mean any offence to any honourable member: he is not capable of it.

Dr. G. D. Nokes: Certainly not. I was referring to statements published outside the House.

The motion that a sum of Rs. 20,401 under Demand II—Public Service Commissioner be granted was put and carried.

The grant was made.

DEMAND III—EDUCATION—EXCLUDING TRAVANCORE UNIVERSITY AND ALL-INDIA ORIENTAL CONFERENCE.

Dr. K. L. Moudgill (*Ag. Director of Public Instruction*): Sir, I rise to move for a grant not exceeding Rs. 48,42,680, under Demand III—Education, excluding Travancore University and All-India Oriental Conference.

Mr. G. Narayana Aiyar: I oppose the Demand.

Before proceeding further, I would like to point out that most of the departmental reports do not contain an index or even a table contents, so that, it is not possible to find out easily a particular item unless you go through the whole report. That is the case with almost all the reports, for instance, the reports of the Land Revenue Department, the Excise Department, the Medical Department, the Education Department, the Forest Department, the Industries Department and the Co-operative Department. Sir, these reports are distributed outside the State also. If anybody there wants to ascertain the position in regard to a particular matter, it will not be possible for him to do so unless he reads through the whole report. I would therefore request that early steps may be taken by the Government to include an index or a table of contents in every one of the departmental reports.

Coming to the Education Department, I have serious objection to the manner in which high schools are now being conducted. Sir, the headmasters of the departmental English High Schools are being paid a very decent salary, as also the senior Assistants. But, the results would show that the Department does not pay adequate attention to the teaching in high schools. Sir, the results in the E. S. L. C. examination are published in the Gazette. The average

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